

TITLE 1

GENERAL PROVISIONS

Chapter:

1.04 General Provisions

CHAPTER 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Preamble
- 1.04.020 Definitions
- 1.04.030 Applicability
- 1.04.040 Exemptions
- 1.04.050 Penalties
- 1.04.060 Injunctive Relief

1.04.010 Preamble

WHEREAS, the County of Marin and the Cities of Belvedere, Mill Valley, Sausalito, and Tiburon have adopted the Richardson Bay Special Area Plan, and

WHEREAS, the Richardson Bay Special Area Plan contains policies which direct the formation of a Joint Powers Agency for the purpose of providing for local control of the anchorage areas of Richardson Bay and Belvedere Cove, and

WHEREAS, the Richardson Bay Regional Agency was established by the County and the Cities in July 1985, and

WHEREAS, the Richardson Bay Regional Agency desires to adopt regulations pertaining to the anchoring and mooring of transient vessels in Richardson Bay and Belvedere Cove to implement the policies contained in the Richardson Bay Special Area Plan.
(Ord. 87-1, Amended by Ord. 91-1)

NOW, THEREFORE, BE IT ORDAINED:

1.040.020 Definitions

- a. Agency: refers to the Richardson Bay Regional Agency established by Joint Powers Agreement in July 1985.

- b. Anchoring: attachment of a vessel to the bottom or the shore of Richardson Bay or Belvedere Cove, using equipment, lines, rope, chain, or cable which is carried onboard the vessel as regular equipment when underway.
- c. Anchorage Area: any portion of the harbor which has been designated by the Agency for the anchoring of vessels.
- d. Harbor: the Richardson Bay special anchorage and non-anchorage areas and the Belvedere Cove non-anchorage area as designated in 33CFR.
- e. Houseboat: a structure in the water, floating or not floating, used for an extended period of time for private residential use and generally not used for recreational or active navigational use.
- f. Live-aboard: a vessel having capability for active self-propelled navigation moored for an extended period of time and used continuously during that time for private residential use and used on some occasions for recreational or commercial purposes.
- g. Mooring: a means of fixing a floating vessel to the bottom in one location, temporarily or permanently, by use of cable, lines, chains, or other equipment, remaining attached to the bottom and not carried aboard such vessel as regular equipment when under way.
- h. Non-anchorage Area: any portion of the harbor which has been designated by the Agency as an area where vessels may not anchor, but where mooring of vessels may be allowed pursuant to Section 5 of this ordinance.
- i. Person: any person, firm, association, organization, partnership, business trust, corporation, or company.
- j. Vessel: a structure designated to be navigable upon water.
- k. Transient Vessels: a vessel that is not regularly anchored, moored, or berthed in Richardson Bay.
- l. Personal Water Craft: any motorized vessel which has an internal combustion engine powering a water-jet pump, or a fully-covered propeller chamber as its primary source of motor propulsion and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel. This term shall include, but is not limited to, vessels commonly known as "Jet Skis", "Wet Bikes", "Surf Jets", and "Sea-Doo". (Ord. 87-1, Amended by Ord. 91-1)

1.04.030 Applicability

Provisions of this ordinance and any rules and regulations adopted pursuant to it shall be applicable and shall govern the harbor as defined above and described in Exhibit A, attached to this document and by this reference incorporated in it.
(Ord. 87-1)

1.04.040 Exemptions

The provisions of this ordinance shall have no application to vessels operated by the United States of America, the State of California, or any governmental entity or its agencies or instrumentalities. Further, this ordinance shall have no application to any vessel in an emergency situation as determined at the sole discretion of the Harbor Master or the Harbor Master's designee. (Ord. 87-1)

1.04.050 Penalties

- a. Any person violating any of the provisions of this ordinance shall be guilty of an infraction, unless the offense is otherwise designated a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$500.00. Every day the violation continues to exist constitutes a separate offense.
- b. Whenever an individual has violated any of the provisions of this or any ordinance of the Richardson Bay Regional Agency, the Agency may require proof of correction of the violation as an element of bail.
- c. Whenever an individual has been convicted of violating the same ordinance three times in a twelve-month period, the Agency Attorney may elevate the current violation to a misdemeanor and prosecute it as such. The Agency Board hereby states that the continuing violation of its ordinances is a serious matter that warrants aggressive prosecution. (Ord. 87-1, Amended by Ord. 91-1, Amended by Ord. 91-3)

1.04.060 Injunctive Relief

Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the attorney for the Agency may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, preliminary injunction, and permanent injunction. (Ord. 87-1)

TITLE 2

ADMINISTRATION

Chapter:

2.04 Harbor Master

Chapter 2.04

Harbor Master

Section

2.04.010 Harbor Master

- a. Whenever a power is granted to or duty is imposed upon the Harbor Master, the power may be exercised or the duty may be performed by a deputy or assistant of the Harbor Master or by a person authorized pursuant to law by the Agency, unless the ordinance expressly provides otherwise.
- b. The Harbor Master and his designee/assistant, acting under the orders and jurisdiction of the Richardson Bay Regional Agency or its designated representative, shall have full authority in the enforcement of all ordinances and regulations affecting Richardson Bay, including but not limited to, the power to issue infraction citations. The Harbor Master and his designee/assistant shall have concurrent jurisdiction to issue such citations for violations of member City and County ordinances relative to Richardson Bay. The appropriate Law Enforcement Department of each member City and County is hereby authorized to issue infraction and misdemeanor citations for violations of this and all ordinances of the Richardson Bay Regional Agency.
- c. The Harbor Master shall provide information for users of the harbor on the use of moorings, dinghy landings, and shore access and shall use VHF Channel 16 to provide information to and assist vessels desiring to use the harbor.
- d. The Harbor Master shall maintain a current file of information, with the assistance of marina operators and owners, of the transient berths and marina services which may be available and provide this information upon request.
- e. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of the ordinances of the Richardson Bay Regional Agency, or whenever the Harbor

Master or his authorized representative has reasonable cause to believe that there exists in, or on any vessel/object, or attached thereto, any condition or code violation which makes the same unsafe, dangerous or hazardous, the Harbor Master or his authorized representative may enter the vessel/object at all reasonable times to inspect the same or to perform any duty imposed upon the Harbor Master by such ordinances; provided that if the vessel/object is occupied, he shall first present proper credentials and request entry; and if such vessel/object is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the vessel/object and request entry. If such entry is refused, the Harbor Master or his authorized representative shall have recourse to every remedy provided by law to secure entry. Once the Harbor Master or his authorized representative has obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care, or control of any vessel/object shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Harbor Master or his authorized representative for the purpose of inspection and examination pursuant to this Ordinance. (Ord. 87-1, Amended by Ord. 91-1, Amended by Ord. 91-3)

- 5) When a mooring is sold or transferred, the new owner shall make application to the Harbor Master for a new mooring permit before being permitted to use the mooring. A new mooring installation permit will be issued upon payment of a transfer fee in addition to the mooring installation fee and presentation of evidence of sale or transfer. No transfer shall be permitted, unless all past due fees are paid.
(Ord. 87-1, Amended by Ord. 91-1, Amended by Ord. 91-3)

3.04.020 Residential Use of Houseboats Prohibited

Living aboard a houseboat or vessel anchored or moored in Richardson Bay is prohibited. The Harbor Master may issue a permit to transient vessels to anchor in the designated anchorages for more than 72 hours, provided that the Harbor Master determines that no permanent residential use is intended. In such cases, the Harbor Master shall issue a permit valid for 30 days. This permit may be renewed for two additional 30 day periods at the Harbor Master's discretion. (Ord. 87-1, Amended by Ord. 91-1)

3.04.030 Fees

- a. Fees for anchoring or mooring a vessel in any part of the harbor shall be established by the Agency by resolution after public hearing. All fees shall be reasonable, so that persons of varying financial means may enjoy the use of the harbor.
- b. The Agency shall provide the mode and procedure for collecting all mooring and anchoring fees, and the identification by tag or plate or otherwise of all vessels upon which fees are currently paid, if such identification will aid enforcement and collection.
- c. When the owner of any mooring is delinquent in payment of fees for fifteen (15) days or more, the Harbor Master may cancel the permit upon five (5) days written notice to the permittee by first class mail to the address shown on the permit. If the mooring is not removed by the owner within thirty (30) days after cancellation of the permit, it shall be deemed abandoned. (Ord. 87-1)

3.04.040 Beached Vessels

Except in an emergency, it shall be unlawful for the owner or person in control or custody of any vessel to ground or beach the vessel in Richardson Bay tide or submerged lands

without express prior permission of the Harbor Master. If a vessel is beached in an emergency or otherwise, the registered or legal owner shall remove the vessel from its beached location within five calendar days of its original beaching. (Ord. 91-1)

TITLE 3

VESSELS

Chapter:

3.04 Anchoring, Mooring, and Beaching Vessels

Chapter 3.04

Anchoring, Mooring, and Beaching Vessels

Sections:

- 3.04.010 Permits, Anchoring, and Mooring
- 3.04.020 Residential Use of Houseboats or Vessels
Prohibited
- 3.04.030 Fees
- 3.04.040 Beached Vessels

3.04.010 Permits, Anchoring, and Mooring

- a. Any person may temporarily anchor a vessel for a period of not more than 72 hours, in any seven day period, in the designated anchorage areas without a permit. No person may anchor a vessel in the non-designated anchorage areas at any time. The Harbor Master is authorized to require persons to relocate vessels within the designated anchorage areas.
- b. Any person anchoring a vessel in Richardson Bay for more than 72 hours shall obtain an anchoring permit from the Harbor Master.
- c.
 - 1) Owners of private moorings which were authorized prior to adoption of this Ordinance (i.e., Ordinance 87-1) who can present to the Harbor Master evidence of ownership of the submerged land underlying the moorings or of authorization from the owner or trustee for placement of the moorings, shall not be required to obtain permits but shall register the moorings with the Harbor Master.
 - 2) Any person desiring to install a mooring in the waters of the harbor after the adoption of this ordinance (i.e. Ordinance 87-1) or to validate a previously existing mooring which does not meet the requirements of Section 5(c)(1), must secure a permit from the Harbor Master in addition to any permits required from

other government agencies. A person applying for a mooring permit shall present evidence of ownership or permission of the owner of the submerged land on which the mooring is to be placed.

- 3) Private mooring shall be used only by the owner or with the owner's permission.

4) Revocation of Private Mooring Permits

- a) The Harbor Master may deny or revoke a mooring permit or cancel the registration or a mooring which pre-existed the adoption of this ordinance (Ordinance 87-1), if the Harbor Master finds that the mooring contributes to traffic congestion, causes dangerous crowding of vessels, contributes to risk of fire, sinking, breakway, or collision damage, or if removal of the mooring is necessary to aid in enforcement of any provision of this ordinance.
- b) If the Harbor Master finds that removal of a mooring is necessary to relieve crowding of vessels, the Harbor Master shall give preference to moorings which were authorized prior to adoption of the ordinance (i.e., Ordinance 87-1) or which have had permits for the longest period of time.
- c) If the Harbor Master finds it necessary to invoke Section 5(c)(1), the Harbor Master shall send the permittee a written notice at the address appearing on the application or registration. The notice shall state the reason for the notice and shall state that the permittee must correct the condition for which the notice was issued or remove the mooring within fifteen (15) days of issuance of the notice. If the owner does not correct the condition or remove the mooring, the Harbor Master may remove it. The cost of removal shall be borne by the owner of the mooring.
- d) An owner of a mooring who takes exception to the determination of the Harbor Master as stated in the notice may file a written appeal of the Harbor Master's decision to the Board of the Richardson Bay Regional Agency or its designee within fifteen (15) days of issuance of the notice. The decision of the Board or its designee shall be final.

CHAPTER 4.05

VESSEL IMPOUND

4.05.010 TOWING, IMPOUND, AND STORAGE

The Harbor Master and his designee/assistant are hereby authorized to remove and/or impound any vessel or other object found in violation of any of the provisions of this ordinance or any ordinance of the Richardson Bay Regional Agency.

- a. The registered and legal owners of record, or the agent of any such vessel or object so removed and impounded, shall have the right to secure the release of such vessel or object after furnishing proof of such ownership to the Agency and after payment to the Agency of the reasonable costs and expenses for such removal, impound, and/or storage. The Boater's Lien Law of the State of California shall apply to vessels.
- b. It is unlawful to move, remove, or in any way tamper with an official RBRA impound buoy and/or anchor and any vessel attached and impounded thereto. Any person who violates this section is guilty of a misdemeanor. (Ord. 91-1)

TITLE 4

VESSEL TRAFFIC REGULATIONS

Chapter:

4.04 Speed and Safety

4.05 Vessel Impound

Chapter 4.04

Speed and Safety

Section

4.04.010 Regulations Concerning Speed and Safety

- a. Within the limits of the anchorage areas: in Belvedere Cove; in the area of the harbor west of the Richardson Bay Bridge; and in the Sausalito Channel, starting at Spinnaker Point in the east, extending to Richardson Bay Bridge west, bound on the north by the Starboard Channel markers and extending southerly to the shoreline, no vessel shall exceed a speed limit of five (5) miles per hour. Within the harbor, due caution must be observed at all times. No person shall operate a vessel within the harbor in a reckless or negligent manner, nor shall any person operate any vessel at a speed which will endanger life, limb, property, or wildlife.
- b. No person shall operate a vessel within the Harbor north of the Starboard Channel markers at a speed in excess of five (5) miles per hour under the following conditions:
 - 1) within two hundred (200) feet of any person who is swimming, bathing, sail boarding, or rowing a boat; or
 - 2) within two hundred (200) feet of any (a) beach or lifeline; or (b) swimming float, diving platform or lifeline; or (c) dock, way or landing float to which vessels are made fast or which is used for embarking or discharging of passengers; or 3) within two hundred (200) feet of any home.
- c. Personal Water Craft are only permitted to operate on Richardson Bay between the hours of 10:00 a.m. and sunset. (They may not be operated at any time in the Wildlife Refuge at the northeast end of Richardson Bay.) (Ord. 91-1)

TITLE 5

ENVIRONMENTAL PROTECTION

Chapter 5.04

Prohibition on Overboard Discharge

Section

5.04.010 Discharge of Refuse

It shall be a violation of this ordinance to discharge or permit a discharge into the waters of the Harbor any refuse, treated or untreated sewage, petroleum or petroleum matter, paint, varnish, or any other noxious chemical or foreign matter of any kind.
(Ord. 91-1)

TITLE 6

NUISANCE CODE

Chapter 6.04

Nuisance Abatement

Sections:

- 6.04.010 Purpose
- 6.04.020 Nuisance Defined
- 6.04.030 Violations and Penalties
- 6.04.040 Commencement of Proceedings
- 6.04.050 Hearing Notice/Notice to Abate
- 6.04.060 Manner of Giving Notice
- 6.04.070 Hearing
- 6.04.080 Form and Contents of Decision: Finality of Decision
- 6.04.090 Enforcement of Agency's Decision
- 6.04.100 Summary Abatement
- 6.04.110 Recovery of Cost of Abatement

6.04.010 Purpose

The Richardson Bay Regional Agency hereby adopts this Nuisance Code for the purpose of providing for the identification and abatement of public nuisances within the Agency's jurisdiction.

The provisions of this ordinance are supplementary and complementary to all of the provisions of state law and any law cognizable as common law or in equity. Nothing herein shall be read, interpreted, or construed in any manner so as to limit any existing right or power of the Richardson Bay Regional Agency to abate any and all nuisances. (Ord. 91-2)

6.04.020 Nuisance Defined

The Richardson Bay Regional Agency hereby declares that it is a public nuisance for any person owning, leasing, occupying, or having charge or possession of any vessel, barge, or object within the Agency's jurisdiction to maintain the same in such a manner that any one or more of the conditions or activities described in the following subsections are found to exist:

- a. The keeping, storage, depositing, or accumulation on, or attachment to, a vessel, barge, or object for an unreasonable period of any personal property, including but not limited to abandoned, wrecked, dismantled, or inoperative boats or boating equipment, engine parts and equipment, appliances, furniture, containers, scrap metal, wood, building materials, junk, rubbish, or debris which constitutes a serious threat to the public health and safety.
- b. Any dangerous condition which is detrimental to the health, safety, or welfare of the public.
- c. Any condition in violation of a constituent agency's building code, such as to constitute substandard housing as defined therein, in appropriate waters.
- d. The overboard discharge of any refuse, treated or untreated sewage, petroleum or petroleum matter, paint varnish, or any other noxious chemical or foreign matter.
- e. Any condition in violation of a constituent agency's fire protection ordinance within appropriate waters.
- f. Any condition recognized in law or in equity as constituting a nuisance, including but not limited to any condition that constitutes a nuisance under Civil Code Sections 3479, 3480.
- g. Any other condition located on, or use of, a vessel, barge, or object which constitutes a threat to the public.
(Ord. 91-2)

6.04.030 Violations and Penalties

Any person, firm, or corporation, whether owner, agent, lessee, sublessor, sublessee, or occupant of any vessel, barge, or object, who violates any of the provisions of this Code is guilty of an infraction for each day the violation continues to exist.
(Ord. 91-2)

6.04.040 Commencement of Proceedings

Whenever the Harbor Master has inspected or caused to be inspected any vessel, boat, barge, or object and believes that the same is in violation of this Code, he may commence proceedings to cause abatement of the nuisance as provided herein. (Ord. 91-2)

6.04.050 Hearing Notice/Notice to Abate

- a. The Harbor Master shall notify the owner, occupant, agent, or other responsible person of the existence of any condition on the vessel, barge, or object that constitutes a nuisance and shall direct that such person or persons shall abate the same or appear before the Agency Board at a stated time and place and show cause why such condition should not be abated by the Agency at the person's expense.
- b. The Notice shall be substantially in the following form:

**Notice of Hearing and Order to Show Cause Re:
Abatement of Public Nuisance to:**

(Name and address of person notified)

YOU ARE HEREBY NOTIFIED as owner, agent, lessee, or other person occupying or having charge or control of the vessel, barge, or object described as _____, located in Richardson Bay near _____, that the Harbor Master, pursuant to Section _____ of Ordinance _____:

(Statement specifying the conditions which constitute the nuisance)

YOU ARE HEREBY NOTIFIED to abate said condition to the satisfaction of the Harbor Master within _____ days of the date of this Notice or to **appear** before the Richardson Bay Regional Agency Board in the Sausalito Council Chambers, 420 Litho Street, Sausalito, California on _____, at _____ m. and **show cause** if any you have, why said condition should not be declared to be a public nuisance, abated by the Agency by removal or _____ of it, and why the costs thereof should not be charged to you as a personal obligation.

If you choose to abate the above-described nuisance within the time frame articulated above, such abatement must be accomplished in the following manner:

Any such abatement must be completed prior to the scheduled hearing before the Agency Board.

Dated: _____ By: _____
(Ord. 91-2)

6.04.060 Manner of Giving Notice

- a. The Hearing Notice/Notice to Abate and any amended or supplemental notice shall be served either by personal delivery or by mailing a copy by certified mail, postage prepaid, return receipt requested upon the registered or legal owner or any other person sought to be charged with the responsibility of abatement at his address as it appears on the latest Department of Motor Vehicles registration form or as known to the Harbor Master. A copy of the notice shall also be posted on the vessel, barge, or object.
- b. Proof of service of the hearing/abatement notice shall be certified by written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made.
(Ord. 91-2)

6.04.070 Hearing

- a. Testimony: At the time fixed in the hearing/abatement notice, the Agency Board shall hear testimony offered by the Harbor Master and/or his designee/assistant, by the vessel, barge, or object owner or by other persons concerning the condition of the vessel, barge, or object, or other relevant facts relative to the matter.
- b. Recording: The proceedings at the hearing shall be tape recorded. Either party, at his own expense, may provide a certified shorthand reporter to maintain a record of the proceedings.
- c. Preparation of the Record: Preparation of a record of the proceedings shall be governed by the California Code of Civil Procedure Section 1094.6 as presently written or hereinafter amended.
- d. Continuances: The Agency Clerk may, upon request of the owner, or other person sought to be held responsible for the abatement, grant continuances from time to time for good cause shown or upon his own motion.
- e. Oaths: All testifying witnesses shall be sworn by the Agency Clerk.
- f. Evidence Rules: The hearing need not be conducted according to technical rules relating to evidence and witnesses.
- g. Representation of Parties: Each party may represent itself or be represented by any one of its choice.

- h. Inspection of Premises: The Agency Board may inspect the subject vessel, barge, or object before, during, or after the hearing, provided that:
1. Notice of such inspection shall be given to the parties before the inspection is made;
 2. The parties are given an opportunity to be present during the inspection; and
 3. The Agency Board shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusions drawn therefrom.
 4. Each party then shall have an opportunity to rebut or explain the matters so stated by the Board, relative to inspection, either for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing.

(Ord. 91-2)

6.04.080 Form and Contents of Decision: Finality of Decision

The decision of the Agency Board shall be in writing and shall contain findings of fact and a determination of the issues presented.

- a. If the Board determines that Agency staff has shown by a preponderance of evidence that a condition constitutes a public nuisance, the decision shall require the owner to commence abatement of the nuisance not later than fifteen (15) days after the issuance of its decision and shall state that the abatement must be completed within such time as specified. The decision shall inform the owner that if the nuisance is not abated within the time specified, the nuisance may be abated by the Agency in such manner as may be ordered by the Agency, and the expense thereof made a personal obligation of the owner.
- b. The Agency's decision declaring that a condition constitutes a nuisance shall also inform the owner that the time for judicial review is governed by California Code of Civil Procedure Section 1094.6.
- c. Once the Agency Board has adopted its decision, the Harbor Master shall post a copy thereof conspicuously on the subject vessel, barge, or object and shall serve a copy on the owner by personal delivery or by mailing a copy by certified mail, return receipt requested upon the owner's

address as it appears on the Department of Motor Vehicles registration or as known to the Harbor Master. One copy of the Agency's decision shall also be served on each of the following, if known to the Harbor Master or if disclosed from official public record: the holder of any mortgage or other lien or encumbrance; the owner or holder of any lease of record; and the holder of any other known interest in the subject vessel, barge or object. The Board's decision shall be final when adopted by the Agency. (Ord. 91-2)

6.04.090 Enforcement of Agency's Decision

- a. General: Once the Agency Board has rendered its final decision pursuant to Section 15 (h) above, no person ordered by the Agency's decision to abate a nuisance shall fail, neglect, or refuse to obey such an order.
- b. Failure to Obey Decision: Whenever any person fails, neglects, or refuses to obey the Agency's decision pursuant to Section above, the Harbor Master is authorized to institute any appropriate action in order to abate such conditions which the Agency has determined to constitute a public nuisance.
- c. Failure to Complete Work: Whenever the responsible person fails to abate the declared nuisance within the time so specified in the Agency's final decision, the Harbor Master, in addition to any other remedy herein provided, may cause the nuisance to be abated.
- d. Abatement Costs: The cost of any such abatement shall be made a personal obligation of the owner thereof.
- e. Extension of Date for Completion:
 1. Upon receipt of a written request by the person responsible for abating the declared nuisance, and agreement by such person that he will comply with the Agency's decision if allowed additional time, the Harbor Master may grant an extension of time, not to exceed an additional ninety days, within which to complete such abatement, provided the Harbor Master determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property.
 2. The Harbor Master's authority to extend time is limited to the physical abatement of the nuisance or for such other purposes as may be reasonably required by the circumstances of the case, but such extension shall not in any way affect or extend the time to appeal the Agency's final decision.

- f. Interference with Work Prohibited: No person shall obstruct, impede, or interfere with the Harbor Master or his designee/assistant or any other authorized contractor or representative of the Richardson Bay Regional Agency whenever such a person is engaged in the work of abating any Agency declared nuisance as required herein or is performing any necessary act preliminary to or incidental to any such work. (Ord. 91-2)

6.04.100 Summary Abatement

- a. Dangerous Condition: Whenever the Harbor Master determines that a condition exists on any vessel, barge, or object located in Richardson Bay which is of such a nature as to be imminently dangerous to the public health, safety, or welfare, which if not abated according to the procedures articulated herein, would during the pendency of the proceedings subject the public to potential harm of a serious nature, the same may be abated forthwith without compliance with the provision of this code.
- b. Approval of Agency Attorney: No summary abatement shall be undertaken, unless the Agency Attorney has first approved the same.
- c. Post Abatement Notice and Opportunity to Contest: If the Harbor Master exercises his authority under Subsection 15 (j) (1) above, and summarily abates a nuisance, the owner of the vessel, barge, or object shall be given notice of the actual abatement and an opportunity to contest the validity of the summary abatement.
- d. Personal Obligation: The cost of abatement including all administrative costs of any such action shall become a personal obligation to the owner as provided herein; except, that if the courts shall decide that action taken hereunder was improper, any such obligation shall be null and void. (Ord. 91-2)

6.04.110 Recovery Cost of Abatement

- a. Account of Expense, Filing of Report, Contents: The Harbor Master shall keep an itemized account of the expense incurred by the Agency in abating nuisances under the provisions of this Code. Upon completion of the work of abatement, the Harbor Master shall prepare and file with the Agency clerk a written report specifying the work done, the itemized and total cost of the work, a description of the subject vessel, barge, or object and the names and addresses of the owner, lessee, agent, or other persons entitled to notice of the forthcoming hearing before the Agency Board.

- b. Cost Report to be Heard by Agency: Upon receipt of the Harbor Master's cost report, the Agency Clerk shall fix a time, date, and place for the Agency's hearing of the report and any protests or objections thereto. The Agency Clerk shall cause notice of the hearing to be served by certified mail, return receipt requested, addressed to the persons entitled to notice as specified by the Harbor Master pursuant to subsection 15 (k) (1) above. Such notices shall be given at least ten days before the date set for hearing and shall specify the day, hour, and place when the Agency will hear and pass upon the Harbor Master's report containing the proposed charge for abatement, together with any objections or protests which may be filed by any person interested, or affected thereby. (Ord. 91-2)